UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,438	12/20/2000	John K. (Jack) Thomasson	03882.007/1325 P	4033

7590 10/05/2004

PARSONS BEHLE & LATIMER
Suite 1800
201 South Main Street
Salt Lake City, UT 84111-2218

EXAMINER	
TRAN, PHILIP B	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,438	THOMASSON ET AL.	
	Examiner	Art Unit	
	Philip B Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-73* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41-73* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Request for Reconsideration

1. This office action is in response to the amendment filed on 06/17/2004 and claims 41-73 are presented for further examination.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 41-73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dillon, U.S. Pat. No. 5,995,726.

Regarding claim 41, Dillon teaches a communications system for communicating between an information provider and users at client computers on a computer network, the system comprising:

a satellite receiver (i.e., satellite receiver 180) operating to receive download data from the information provider [see Fig. 1]; and

a server computer in electronic communication with said satellite receiver and in electronic communication with the computer network, said server computer operating to receive the download data from said satellite receiver and operating to route the download data to client computer via the computer network (i.e., hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network internet 128 to distribute download data to the devices on the network) [see Fig. 1, Abstract, and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55].

Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet.

Regarding claims 42-43, Dillon does not explicitly teach the computer network is a local area network (LAN) or a wide area network (WAN). However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN or a WAN for the same reasons set forth above to claim 41.

Regarding claim 44, Dillon further teaches the server computer is programmed to route the download data to said plurality of client computers on the local area network (i.e., hybrid terminal 110 with one or more application programs to route the download data to the devices on the network) [see Fig. 1]. Dillon does not explicitly teach the server is irrespective of the client computers' operating systems such that said server computer does not require the same operating system for each client computer of the plurality of client computers. However, the use of different operating systems for server and plurality of clients is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implements different operating systems for different devices on the network in order to allow clients and server to be placed independently on nodes in a network and increase the flexibility of utilizing different hardware platforms and operating systems appropriate to their functions.

Regarding claims 45-46, Dillon further teaches a storage medium wherein said server computer's routing of the download data includes storing the download data on said storage medium [see Col. 3, Line 66 - Col. 4, Line 17 and Col. 8, Lines 34-41 and Col. 9, Lines 38-50 and Col. 11, Lines 1-38].

Regarding claims 47-48, Dillon does not explicitly teach the storage medium is an intermediate storage medium such as a cache and wherein the download data is stored on said intermediate storage medium prior to receipt of the download data by said plurality of client computers. However, implementation of storage for storing download data before transferring the data to the plurality of clients is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to include a cache for storing data and transmit data only when needed in order to reduce traffic on the network.

Regarding claims 49-54, Dillon further teaches the server computer runs a server operating system [see Col. 8, Lines 8-10].

Regarding claim 55, Dillon further teaches the server computer routes the download data using a standard local area network protocol (i.e., TCP/IP) [see Abstract and Fig. 1].

Regarding claims 56-57, Dillon further teaches the system provides bi-directional electronic communications (i.e., upload and download by land-line link) [see Fig. 15]. Dillon does not explicitly teach a local area network with a plurality of clients in communication with the information provider. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a client-server system connected to a LAN for the same reasons set forth above to claim 41.

Regarding claim 58, Dillon does not explicitly teach a plurality of local area networks wherein said server computer operates to route the download data to said plurality of local area networks. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a plurality of LAN with a plurality of clients for the same reasons set forth above to claim 41.

Regarding claim 59, Dillon teaches a server computer for communicating between a global communications network and client computers on a computer network, the server computer comprising:

network hardware for connecting said server computer to the computer network and communications hardware for enabling electronic communications with a satellite receiver (i.e., hybrid terminal 110 with satellite interface 120 for connecting to the satellite receiver 180 and also through modem to the Internet network) [see Fig. 1 and Col. 4, Lines 18-22 and Col. 6, Line 40 - Col. 7, Line 5];

a processor and a computer readable medium containing network instructions for communications between said server computer and the computer network (i.e, processor and memory for executing the instructions) [see Col. 3, Line 66 - Col. 4, Line 17];

satellite instructions for communications between said server computer and the satellite receiver (i.e., one or more application programs for communication between the satellite receiver 180 and the hybrid terminal 110 and the network) [see Fig. 1 and Col. 1, Line 61 - Col. 2, Line 25];

router instructions, said router instructions operating to receive download data and to route the download data to client computers, and wherein said network instructions, said satellite instructions and said router instructions are executable by said processor (i.e., hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network internet 128 to distribute download data to the devices on the network) [see Fig. 1, Abstract, and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55].

Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet.

Claim 60-61 are rejected under the same rationale set forth above to claims 42-43.

Claim 62 is rejected under the same rationale set forth above to claim 44.

Claims 63-64 are rejected under the same rationale set forth above to claims 45-46.

Claims 65-66 are rejected under the same rationale set forth above to claims 47-48.

Claim 67 is rejected under the same rationale set forth above to claims 49-54.

Claim 68 is rejected under the same rationale set forth above to claim 55.

Claim 69 is rejected under the same rationale set forth above to claim 58.

Claims 70-71 are rejected under the same rationale set forth above to claim 59.

Regarding claim 72, Dillon teaches a method for providing access to a global communications network for a plurality of client computers on a computer network, which comprises receiving download data from a satellite receiver in electronic communication with a server computer and routing the download data from the server computer to the client computers via the computer network. (i.e., hybrid terminal 110 is in communication with the satellite receiver 180 for receiving download data and

transferring data packets to other computers on the network) [see Fig. 1 and Col. 1, Line 61 - Col. 2, Line 25 and Col. 3, Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55]. Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet.

Claim 73 is rejected under the same rationale set forth above to claim 72.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons :

Dillon teaches a communications system for communicating between an information provider and users at client computers on a computer network comprising a satellite receiver (i.e., satellite receiver 180) operating to receive download data from the information provider [see Fig. 1]. Dillon further teaches a server computer in electronic communication with said satellite receiver and in electronic communication with the computer network, said server computer operating to receive the download data from said satellite receiver and operating to route the download data to client computer via the computer network. For example, hybrid terminal 110, with SLIP provider 130 and application server 140 including application software 112 are in communication with satellite receiver 180 and computer network internet 128 to distribute download data to the devices on the network [see Fig. 1, Abstract, and Col. 3,

Line 50 - Col. 4, Line 62 and Col. 5, Lines 14-55]. Dillon does not explicitly teach a local area network (LAN) with plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet. For example, Willis et al (U.S. Pat. No. 6,385,647) shows the use of LAN or WAN with plurality of clients to connect to the Internet [see Figs. 1-2].

Applicants argued that Willis et al (U.S. Pat. No. 6,385,647) is not prior art. In response to applicant's argument, the earliest effective U.S. filing date of U.S. Pat. No. 6,385,647 is August 18,1997 which predates the earliest effective U.S. filing date of U.S. Pat. No. 6,205,473 (parent case of this instant U.S. Application No. 09/746,438). Therefore, Willis et al (U.S. Pat. No. 6,385,647) is well qualified as a prior art.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. **See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).** In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated by disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with plurality of clients to connect to the Internet.

As a result, cited prior art does disclose a system and method for communicating in the network by downloading data from the satellite and routing data to clients, as broadly claimed by the applicants. Applicants clearly have still failed to identify specific claimed limitations that would define a clearly patentable distinction over prior arts. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 41, 59 and 70-73. Claims 42-58 and 60-69 are also rejected at least by virtue of dependency on independent claims and by other reasons shown above. Accordingly, rejections for claims 41-73 are respectfully maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran
Philip Tran
Art Unit 2155
Sept 28, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER